

**Testimony on House Bill 331 to the Senate Business, Labor and  
Economic Affairs Committee**

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Good morning Chairman Balyeat and members of the committee. My name is Jane Smilie and I am the Administrator of the Public Health & Safety Division of the Department of Public Health and Human Services. On behalf of the Department of Public Health and Human Services I am here to support HB 331.

As the state licensing agency for restaurants, public accommodations, trailer parks and campgrounds, our department works closely with local county governments to ensure that each establishment operates safely. To accomplish this, we rely on annual inspections, performed by local Registered Sanitarians, in each licensed establishment.

Last year, over 10,000 establishments were inspected. Given this workload, I am sure the committee can appreciate the efforts of local public health staff charged with the responsibility of protecting the state's citizens and those who visit Montana.

HB 331 will provide local governments with a sustainable and fair method of better supporting local health inspections. By allowing the Department to establish a licensing fee in a public rulemaking process and limiting that fee to no more than the actual cost of the service, we will help ensure adequate inspections are done. Second, a facility will be charged a licensing fee that is better matched to the amount of time, or complexity, of the actual inspection.

The bill assures participation by industry in rulemaking that would impact fees by requiring all licensees be notified of the rulemaking process. In addition, the Department is required under 50-50-103, MCA to use a food code task force to assist in the development of administrative rules. The task force must be composed of equal numbers of business and government. If this bill is passed, we will begin immediately to assemble a task force and begin the discussion regarding the rules.

The department urges you to support HB331 and the efforts of local health authorities to ensure access to safe food, public accommodations, trailer parks and campgrounds. I'd be happy to answer any questions. Thank you.